

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35265 of 2016
and
W.M.P.No.30376 of 2016

Mr.G.Saravanan

.. Petitioner

Vs.

1. The Director of School Education,
D.P.I. Compound,
College Road, Nungambakkam,
Chennai-600 006.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Collectorate Building,
Sathuvanchari, Vellore -9.
3. The District Elementary Officer,
Office of the District Elementary Officer,
Vellore Fort, Vellore.
4. The Correspondent,
C.S.I. St.Andrew's Higher Secondary School,
4, Mosque Street,
Arakkonam.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to approve the appointment of the petitioner as General Machinist in the post of Vocational Instructor, with effect from the date of appointment, dated 09.06.2015 as per the proposal submitted by the fourth respondent Management to the first respondent herein on 28.02.2016 with all attendant service benefits including the arrears of pay from the date of appointment from 09.06.2015.

For Petitioner : Mrs.G.Thilakavathi

For Respondents : Mr.K.Dhananjayan, Spl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to approve the appointment of the petitioner as General Machinist in the post of Vocational Instructor, with effect from the date of appointment, dated 09.06.2015, as per the proposal submitted by the fourth respondent Management to the first respondent herein on 28.02.2016 with all attendant service benefits including the arrears of pay from the date of appointment from 09.06.2015.

2. It is the case of the petitioner that after completing his Higher Secondary Education, he had qualified in Diploma in Mechanical Engineering, which is a two year course. After successfully completing the same in 2001, he applied for Vocational Instructor post under the fourth respondent-School, which is imparting the vocational training course, which is a two year course, namely Vocational Machinist. At the plus-2 level, the student strength of the course is 33 for the academic year 2015-2017 batch. Insofar as the admission which has been effected at the plus-2 level for the academic year 2016-2017 is concerned, the student strength admitted got reduced to 22. The fourth respondent-institution being an aided institution, receiving 100% grant from the Education Department, has two sanctioned posts of Vocational Instructors, and in such circumstances, the Management chose to appoint the petitioner to the said sanctioned post of Vocational Instructor, by order dated 09.06.2015 and subsequently, necessary proposal was also forwarded to the first respondent only on 28.02.2016 for approval. It is the grievance of the petitioner that no approval was granted so far. Only the Management is paying a part salary as a stop-gap arrangement. It is the further case of the petitioner that only after persuasion, the Management had submitted a proposal of the appointment of the petitioner, but no order of approval has been passed. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Though the Writ Petition has been filed seeking positive direction, this Court is not inclined to grant the same, but, taking into consideration the factual aspects of the matter, this Court directs the petitioner to submit a fresh representation to the respondents 1 to 3, along with a copy of this order, by stating his grievance, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such representation, the respondents 1 to 3 are directed to consider the said representation, conduct enquiry,

afford an opportunity of personal hearing to the petitioner, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of three weeks from the date of receipt of such representation. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents 1 to 3 to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cs

Copy to

1. The Director of School Education,
D.P.I. Compound,
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4, Mosque Street,
Arakkonam.

+ 1 cc to M/s. G. Thilakavathi, Advocate SR.59784
+ 1 cc to Government Pleader SR.60161

W.P.No.35265 of 2016

RJ(CO)
EU 21.11.16